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REMARKS

Reconsideration of the application in view of the present amendment is respectfully requested.

The Office Action rejects claims 51-56, 58-64, 66-74, 76-79 and 80 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,909,708 to Krishnaswamy et al. (hereinafter "Krishnaswamy"). In addition, the Office Action rejects claims 57, 65 and 75 under 35 U.S.C. §103(a) as being unpatentable over Krishnaswamy in view of U.S. Patent No. 6,047,326 to Kilkki. Claims 51, 52, 53, 59, 63, 72, and 80 are amended. Accordingly, claims 51-80 are pending.

Claim 51 recites a method of a client terminal downloading requested data via a client-server communications network which includes a server and at least one proxy server client having a local cache for storing data downloaded via the network. The method comprises maintaining a proxy list comprising an address for at least one proxy server client at which requested data is cached, selecting a first address from the proxy list, pinging a first proxy server client corresponding to the selected first address to assess a connection speed to the first proxy server client, and downloading requested data from the local cache of the first proxy server client to the client terminal if the connection speed to the first proxy server client meets a predetermined criterion.

As noted in the Office Action, Krishnaswamy discloses a client pinging a list of candidate internet telephony gateways (ITGs) to determine the best choice in terms of latency and number of router hops for making an internet telephony connection (*see* Krishnaswamy, col. 104, line 22 – col. 105, line 49). However, Applicant would like to respectfully point out that Krishnaswamy does not disclose or suggest any of the pinged ITGs downloading requested data from a local cache to the client if the connection speed to the pinged ITG meets a predetermined criterion. Thus, claim 51 patentably defines over the prior art including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

If the Examiner continues to reject claim 51 of the present application by applying Krishnaswamy, it is respectfully requested that he/she explain where Krishnaswamy discloses

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or suggests that an ITG downloads requested data from a local cache *to the client* after the client has pinged the ITG. Absent an adequate explanation, it is respectfully submitted that the rejection of claim 51 of the present application is improper and, therefore, should be withdrawn.

Each of claims 52-62 depends directly or indirectly from claim 51. Each of claims 52-62 is allowable for at least the reasons presented in a previous Amendment filed in response to a previous Office Action from the U.S. Patent Office.

Claim 63 recites a client-server communications network comprising a server and a plurality of clients connected to the serve. Each client includes (i) at least one proxy server client having a local cache for storing data downloaded via the network and (ii) a requesting client having a proxy list comprising an address for at least one proxy server client at which requested data is cached, wherein the requesting client includes means for selecting an address from the proxy list, means for pinging a selected proxy server client corresponding to the selected address to assess a connection speed to the selected proxy server client, and means for downloading requested data from the local cache of the selected proxy server client to the requesting client if the connection speed to the selected proxy server client meets a predetermined criterion.

None of the prior art including the prior art references of record discloses or suggests a client-server communications network comprising, *inter alia*, a requesting client including, *inter alia*, means for downloading requested data from a local cache of a selected proxy server client to the requesting client if the connection speed to the selected proxy server client meets a predetermined criterion. Thus, claim 63 patentably defines over the prior art including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

If the Examiner continues to reject claim 63 of the present application by applying Krishnaswamy, it is respectfully requested that he/she explain where Krishnaswamy discloses or suggests “means for downloading requested data from the local cache of the selected proxy server client to the requesting client if the connection speed to the selected proxy server client meets a predetermined criterion”, as recited in claim 63 of the present application. Absent an

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adequate explanation, it is respectfully submitted that the rejection of claim 63 of the present application is improper and, therefore, should be withdrawn.

Each of claims 64-71 depends directly or indirectly from claim 63. Each of claims 64-71 is allowable for at least the reasons presented in a previous Amendment filed in response to a previous Office Action from the U.S. Patent Office.

Claim 72 recites a client terminal comprising means for selecting at least one of a plurality of proxy server clients from which requested data can be downloaded, means for pinging a selected proxy server client to assess a connection speed to the selected proxy server client, and means for downloading requested data from the selected proxy server client to the client terminal if the connection speed to the selected proxy server client meets a predetermined criterion.

None of the prior art including the prior art references of record discloses or suggests a client terminal comprising means for selecting at least one of a plurality of proxy server clients from which requested data can be downloaded, means for pinging a selected proxy server client to assess a connection speed to the selected proxy server client, and means for downloading requested data from the selected proxy server client to the client terminal if the connection speed to the selected proxy server client meets a predetermined criterion. Thus, claim 72 patentably defines over the prior art including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

Each of claims 73-79 depends directly or indirectly from claim 72. Each of claims 73-79 is allowable for at least the reasons presented in a previous Amendment filed in response to a previous Office Action from the U.S. Patent Office.

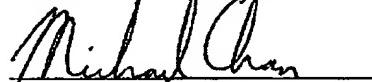
Claim 80 recites a computer-readable storage medium containing a software plug-in programmed to adapt a client terminal to perform method steps. The method steps comprise selecting at least one address from a proxy list comprising an address for at least one proxy server client, pinging a selected proxy server client corresponding to the selected address to assess a connection speed to the selected proxy server client, and downloading requested data from the selected proxy server client to the client terminal if the connection speed meets a predetermined criterion.

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None of the prior art including the prior art references of record discloses or suggests a computer-readable storage medium containing a software plug-in programmed to adapt a client terminal to perform method steps, wherein the method steps comprise selecting at least one address from a proxy list comprising an address for at least one proxy server client, pinging a selected proxy server client corresponding to the selected address to assess a connection speed to the selected proxy server client, and downloading requested data from the selected proxy server client to the client terminal if the connection speed meets a predetermined criterion. Thus, claim 80 patentably defines over the prior art including the prior art references of record, whether taken singularly or in combination, and is therefore allowable.

In view of the foregoing, it is submitted that the application is in condition for allowance, and allowance of the application is respectfully requested.

Respectfully submitted,



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NOV 03 2005